

AN ACT

RELATING TO WORKERS' COMPENSATION; REMOVING SILICOSIS AND
ASBESTOSIS EXEMPTIONS IN THE NEW MEXICO OCCUPATIONAL DISEASE
DISABLEMENT LAW.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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Section 1. Section 52-3-10 NMSA 1978 (being Laws 1945, Chapter 135,
Section 10, as amended) is amended to read:

"52-3-10. EMPLOYER LIABILITY FOR COMPENSATION--CONDITIONS WHEN
NO PAYMENT TO BE MADE.--

A. There is imposed upon every employer a liability for the payment of
compensation to every employee of the employer who suffers total disablement by
reason of an occupational disease arising out of his employment; provided that
compensation shall not be paid when the last day of injurious exposure of the
employee to the hazards resulting in an occupational disease occurred prior to the
passage of the New Mexico Occupational Disease Disablement Law.

B. There is imposed upon every employer a liability for the payment of
compensation to the dependents of every employee in cases where death results from
an occupational disease arising out of his employment.

C. The time limits prescribed by this section shall not apply in the case
of an employee whose disablement or death is due to occupational exposure to
radioactive or fissionable materials, provided that compensation shall not be paid in
such a case unless the disablement or death occurs within ten years from the last day
upon which the employee actually worked for the employer against whom

compensation is claimed."

Section 2. Section 52-3-11 NMSA 1978 (being Laws 1945, Chapter 135, Section 11) is amended to read:

"52-3-11. LAST EMPLOYER LIABLE.--Where compensation is payable for an occupational disease, the only employer liable shall be the employer in whose employment the employee was last injuriously exposed to the hazards of employment resulting in the disease."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2003.

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